

Plaintiffs' Exhibit U

JOSHUA RUSSELL, PH.D.

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SIERRA BOUCHER, LILY ENGBRECHT,
NATASSIA TUHOVAK, HANNAH WHELAN, and
CASSIDY WOOD,

Plaintiffs,

- against -

Case No.
1:22-cv-00381-CCR

TRUSTEES OF CANISIUS COLLEGE,

Defendant.

Examination before trial of **JOSHUA
RUSSELL, PH.D.**, taken pursuant to Subpoena, in the
offices of JACK W. HUNT & ASSOCIATES, INC.,
1120 Liberty Building, Buffalo, New York, on June
18, 2024, commencing at 12:56 p.m., before LYNNE E.
DIMARCO, Notary Public.

JACK W. HUNT & ASSOCIATES, INC.

13:40:36 1 **MS. NANAU:** Okay. So this is going to be
13:40:48 2 Plaintiff's 4.

13:40:48 3 **The following was marked for Identification:**

4 **PLAINTIFF EXH. 4 Bates stamped Canisius2026**

13:40:51 5 **BY MS. NANAU:**

13:40:53 6 **Q.** Plaintiff's 4 is a document produced by
13:40:56 7 the defendant and the Bates stamp is Canisius 2026.
13:41:02 8 Take a moment to review and then let me know when
13:41:06 9 you're done.

13:42:30 10 **A.** Okay.

13:42:30 11 **Q.** Okay. So, Dr. Russell, two-thirds of
13:42:37 12 the page is taken up by notes and the title or
13:42:43 13 headline of those notes says Dr. Joshua Russell
13:42:47 14 2/28/2019, correct?

13:42:49 15 **A.** Correct.

13:42:50 16 **Q.** Did you prepare these notes?

13:42:52 17 **A.** No.

13:42:53 18 **Q.** Okay. Have you seen this document
13:42:56 19 before?

13:42:57 20 **A.** Yes.

13:42:57 21 **Q.** Okay. In 2019 did Ms. Walleshauser
13:43:05 22 show you these notes?

13:43:07 23 **A.** No.

13:43:08 1 Q. Okay. Do you believe that this is an
13:43:13 2 accurate summary of the issues that you discussed
13:43:16 3 with Ms. Walleshauser on February 28th, 2019?

13:43:22 4 A. Yes.

13:43:22 5 Q. Okay. So I'd like to go through each
13:43:26 6 part and ask you some more information.

13:43:28 7 A. Okay.

13:43:28 8 Q. So the first sentence says, spoke with
13:43:32 9 Beth Gill and Dr. Suchak, dash, student issues and
13:43:37 10 misuse of funds fall of 2017, dash, purchased tree
13:43:41 11 climbing equipment, beaver trap; did I read that
13:43:44 12 correctly?

13:43:45 13 A. Yes.

13:43:45 14 Q. Okay. Who is Beth Gill?

13:43:49 15 A. Beth Gill was the dean of arts and
13:43:52 16 sciences at the time.

13:43:52 17 Q. Okay. So you had a reporting
13:43:57 18 relationship to her?

13:43:58 19 A. Yes.

13:43:59 20 Q. And Dr. Suchak in 2019 was not the ABEC
13:44:04 21 department chair, right?

13:44:05 22 A. Correct.

13:44:05 23 Q. Okay. Did you ask for a meeting with

13:44:10 1 Dr. Gill?

13:44:11 2 **A.** Yes.

13:44:12 3 **Q.** Okay. And did you and Dr. Suchak ask
13:44:17 4 for that meeting together?

13:44:19 5 **A.** What I recall is that I -- Dr. Suchak
13:44:25 6 and I wanted to have a meeting and I asked
13:44:27 7 Beth Gill in person if we could get on her
13:44:31 8 schedule.

13:44:31 9 **Q.** Okay. And so did you provide Dr. Gill
13:44:38 10 with anything in writing prior to the meeting to
13:44:41 11 give her notice of what you wanted to discuss, or
13:44:45 12 did you just attend the meeting and discuss the
13:44:48 13 issues then?

13:44:48 14 **A.** So we just attended the meeting.

13:44:51 15 **Q.** Okay. What are the student issues that
13:44:57 16 you and Dr. Suchak discussed with Dr. Gill in 2017?

13:45:01 17 **A.** It would have been related to primarily
13:45:04 18 the students's trip to Antarctica.

13:45:09 19 **Q.** Okay. What happened in Antarctica?

13:45:14 20 **A.** So when the students returned, two
13:45:17 21 of -- I think there were four students on the trip,
13:45:20 22 two of those students had been doing a project with
13:45:23 23 me and mentioned to me that during the trip he was

13:45:29 1 missing for periods of time and that he would ask
13:45:35 2 them to get too close to animals after various
13:45:39 3 guides told them don't get close to animals.

13:45:43 4 And he would say, no, just go ahead and move
13:45:45 5 over closer to the penguin or whatever, those types
13:45:49 6 of things.

13:45:50 7 And just that they didn't see him or
13:45:53 8 interact with him much on the trip. And that they
13:45:56 9 didn't feel like it was a very educational
13:46:00 10 experience.

13:46:00 11 Q. Okay. Did the two students who came to
13:46:04 12 you after the Antarctica trip, did they complain
13:46:07 13 about any inappropriate conduct by Dr. Noonan that
13:46:11 14 was sexual in nature?

13:46:13 15 A. No.

13:46:14 16 Q. Okay. What were the misuse of funds
13:46:24 17 issues that you and Dr. Suchak discussed with
13:46:28 18 Dr. Gill in 2017?

13:46:29 19 A. So from my time starting as a faculty
13:46:34 20 member it was clear to me that Mike was able to
13:46:39 21 move money around between different accounts to
13:46:42 22 spend it on things, some things that I thought were
13:46:47 23 not necessary for our department.

13:46:51 1 And he had requested some of my startup
13:46:57 2 funds, for example, when I was first starting as a
13:47:00 3 faculty member. If I didn't need to spend them
13:47:04 4 that he would find ways to spend them.

13:47:06 5 And because I didn't -- he was the chair, I
13:47:10 6 didn't have anyone telling me like, no, don't do
13:47:13 7 that, save it and spend it for yourself, it was too
13:47:19 8 late.

13:47:20 9 And I had sort of given him I don't remember
13:47:22 10 how much money, but I didn't spend all my startup
13:47:27 11 funds myself. And so we were concerned about what
13:47:31 12 he was purchasing with departmental funds or HR
13:47:34 13 funds.

13:47:36 14 Q. What's ISHAR?

13:47:38 15 A. ISHAR was the Institute for the Study
13:47:40 16 of Human Animal Relationships.

13:47:49 17 Q. Dr. Noonan, is it true that he founded
13:47:55 18 the ABEC department?

13:47:56 19 A. Yes.

13:47:56 20 Q. Do you know when that happened?

13:47:59 21 A. 2010, 2010. I wasn't there, so I think
13:48:11 22 it was around 2010.

13:48:12 23 Q. Okay. Did you attend Canisius because

13:48:15 1 you wanted to be an ABEC department major?

13:48:19 2 **A.** So there was no ABEC department at the
13:48:23 3 time.

13:48:23 4 **Q.** Oh, I thought you were there --

13:48:26 5 **MR. D'ANTONIO:** 2000 to 2003.

13:48:29 6 **THE WITNESS:** Yes.

13:48:30 7 **BY MS. NANAU:**

13:48:31 8 **Q.** Oh, I'm sorry.

13:48:31 9 **A.** Yeah.

13:48:32 10 **Q.** So you were a biology major, then?

13:48:35 11 **A.** Psychology.

13:48:36 12 **Q.** Psychology. And the Institute for the
13:48:44 13 Study of Human Animal Relationships, was Dr. Noonan
13:48:49 14 also in charge of that?

13:48:50 15 **A.** Yes.

13:48:51 16 **Q.** Okay. Was the Canisius -- you've
13:49:10 17 already told me what CAC stood for.

13:49:12 18 **A.** Canisius Ambassadors for Conservation.

13:49:16 19 **Q.** Thank you. Canisius Ambassadors for
13:49:19 20 Conservation, right?

13:49:20 21 **A.** Uh-huh, yes.

13:49:21 22 **Q.** The Canisius Ambassadors for
13:49:24 23 Conservation was that part of ISHAR?

13:49:27 1 **A.** Yes.

13:49:28 2 **Q.** Okay. And as the chair of the ABEC
13:49:36 3 department and as the head of ISHAR, then,
13:49:39 4 Dr. Noonan had control over significant resources,
13:49:44 5 correct?

13:49:44 6 **A.** He had control over the budgets, yes.

13:49:49 7 **Q.** How much were you afforded in startup
13:49:54 8 funds when you first were hired as a faculty
13:49:58 9 member?

13:49:58 10 **A.** \$10,000.

13:49:59 11 **Q.** And what's the purpose of the startup
13:50:02 12 funds?

13:50:03 13 **A.** So that you can start research
13:50:07 14 projects. So if you need to buy equipment or if
13:50:10 15 you need to set up a laboratory or buy software or
13:50:14 16 anything like that.

13:50:15 17 **Q.** And is the research that you do with
13:50:19 18 the startup funds, is that then considered Canisius
13:50:23 19 property because they are funding the research?

13:50:28 20 **A.** So intellectual property at Canisius is
13:50:33 21 the research is ours, the equipment belongs to
13:50:36 22 Canisius. I don't think that they would say that
13:50:42 23 the research belonged to them.

13:50:43 1 Q. Okay. So if you, for example, do
13:50:47 2 research and write a paper and get it published,
13:50:51 3 the paper is yours?

13:50:52 4 A. Yes.

13:50:52 5 Q. It's not Canisius's property?

13:50:54 6 A. Yes.

13:50:55 7 Q. That's your intellectual property,
13:51:00 8 right?

13:51:00 9 A. Yes.

13:51:03 10 Q. How much of your \$10,000 in startup
13:51:07 11 funds did you end up giving to Dr. Noonan?

13:51:10 12 A. I don't remember.

13:51:13 13 Q. Did you -- what happens when the
13:51:20 14 initial 10,000 is exhausted, do you then have to
13:51:23 15 develop funding on your own as a Canisius faculty
13:51:29 16 member?

13:51:29 17 A. So in our department we have -- I think
13:51:33 18 it's changed over the years, it's gotten smaller,
13:51:36 19 but there's a certain amount of money that we get
13:51:39 20 as individual faculty members for research every
13:51:44 21 year.

13:51:44 22 Q. Okay. If the money was insufficient
13:51:52 23 for what you wanted to do in a certain year, would

13:51:55 1 you then go to Dr. Noonan for additional funds, was
13:51:59 2 that a possibility?

13:52:01 3 **A.** That was a possibility.

13:52:02 4 **Q.** Okay. Your tone suggests to me that
13:52:09 5 the additional funds were not forthcoming from
13:52:13 6 Dr. Noonan?

13:52:13 7 **A.** No.

13:52:14 8 **Q.** No. Okay. What did Dr. Gill do when
13:52:21 9 you and Dr. Suchak raised these concerns about the
13:52:24 10 quality of the student trips and the misuse of
13:52:27 11 funds?

13:52:27 12 **A.** I don't know. She took notes in the
13:52:31 13 meeting, but...

13:52:34 14 **Q.** Did you ever follow-up with her?

13:52:37 15 **A.** Not formally.

13:52:42 16 **Q.** We'll talk about that in a second, the
13:52:46 17 follow-up, but let's go through all of this before
13:52:49 18 us.

13:52:52 19 Do you know if Dr. Gill ever interviewed the
13:52:55 20 two Antarctica trip students who came to you and
13:53:00 21 complained about Dr. Noonan's conduct on that trip?

13:53:05 22 **A.** I don't know.

13:53:05 23 **Q.** Okay. Did you provide her with their

15:16:18 1 did I read that correctly?

15:16:19 2 **A.** Correct.

15:16:19 3 **Q.** Did Ms. Engebrecht ever follow up on
15:16:22 4 your offer of assistance?

15:16:24 5 **A.** I believe we had a meeting and I gave
15:16:28 6 her some recommendations for citations and things
15:16:31 7 to read. I offered to be her supervisor or second
15:16:37 8 reader, I don't -- I wasn't her supervisor and I
15:16:40 9 don't recall being her second reader.

15:16:42 10 So I don't know who she did that with, but,
15:16:45 11 yeah, we had a meeting.

15:16:46 12 **Q.** Okay. Did Ms. Engebrecht ever discuss
15:16:51 13 with you any future plans she had, anything that
15:16:57 14 she thought she might do with the thesis
15:17:02 15 afterwards?

15:17:02 16 **A.** I don't recall.

15:17:03 17 **Q.** Okay. Does everyone have to write a
15:17:05 18 thesis at Canisius?

15:17:06 19 **A.** No.

15:17:07 20 **Q.** Do you elect to write a thesis if you
15:17:10 21 want to?

15:17:10 22 **A.** If you're an honors student. So for
15:17:13 23 undergraduate students if you're an honors student,